

REMARKS

With this Amendment, claims 51, 52, and 74-105 are pending. Claims 1-28 were canceled without prejudice or disclaimer in Applicants' Amendment dated October 27, 2005. Claims 29-50 and 53-73 were canceled without prejudice or disclaimer in Applicants' Response dated April 17, 2008. Claims 51 and 99 have been amended to clarify the claimed subject matter. No new matter has been added by way of the present amendment.

Election/Restriction

Applicants thank the Examiner for acknowledging Applicants' election with traverse of Group III, drawn to a method for the suppression of transplant rejection, in Applicants' Response dated April 17, 2008. Applicants acknowledge the finality of the restriction requirement and reserve the right to prosecute the non-elected inventions in divisional applications.

The Office alleges that the present application contains claims directed to more than one species of the generic invention, and requires election of a single species from each of the following list:

A specific type of transplant acceptance-inducing cell, wherein the cell expresses CD3/CD14, FoxP3, CTLA4, or $\alpha\text{E}\beta_7$ integrin.

Applicants elect without traverse the alleged species of CD3/CD14. Claims 51, 52, 74-77, and 84-105 are under consideration with respect to all species elections and are under consideration to the extent that they read on the elected species. Applicants reserve the right to consideration of claims to additional species upon the finding of an allowable generic claim. The Examiner alleges that the species listed above do not relate to a single general inventive concept because they lack the same or corresponding technical features. Office Action at page 3. Specifically, the Examiner alleges that "the species of method comprising administering a CTLA4 expressing cell has no special technical feature that defined the contribution over the prior art of Kingsley *et al.*, February, 2002." *Id.* Applicants respectfully submit that the Examiner has mistaken the claimed invention and the technical feature described in Kingsley *et al.* to be the same.

Based upon the foregoing, Applicants elect without traverse the species of CD3/CD14, recited in Claims 51, 52, 74-77, 84-105, for further prosecution.

CONCLUSION

In view of the above, each of the presently pending claims is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. The Examiner is encouraged to contact the undersigned at (202) 942-5186 should any additional information be necessary for allowance.

Respectfully submitted,

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